

THE TOWN OF FOREST HEIGHTS
RESOLUTION 44-20

**A RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE
POTOMAC ELECTRIC POWER COMPANY ("PEPCO") AND THE TOWN OF
FOREST HEIGHTS (THE "TOWN") ALLOWING THE USE OF TOWN PROPERTY
TO CONSTRUCT AND OPERATE ELECTRIC VEHICLE CHARGING FACILITIES**

Introduced By: Mayor Habeeb-Ullah Muhammad

WHEREAS, pursuant to Charter, §33-20(b)(41) (Property), the Council shall have the power to pass ordinances to acquire by conveyance, purchase of gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or lease hold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town; and

WHEREAS, the Town Council enacted Emergency Ordinance No. 06-15 on September 18, 2015, approving the purchase of real property located at 5433 Indian Head Highway; and

WHEREAS, pursuant to Charter, § 33-80 (Acquisition; possession; disposal), the Town may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, pursuant to Resolution 28-18, adopted on May 16, 2018, the Town Council approved a Development Plan for the Community Gathering Space (Phase 2) located at 5433 Indian Head Highway; and

WHEREAS, the Development Plan referenced a conceptual site plan that included the following: a lighted above-ground stage situated between two pre-fabricated wooden pavilions, concrete walkways illuminated by solar concrete bollards, two (2) parking spaces with electric charging stations, three (3) sculptured benches, a wood picket fence for the property line, and a soil berm for safety; and

WHEREAS, the Town wishes to execute a license agreement outlining the parameters and conditions for use of a certain portion of the Town's real properties located at 5433 Indian Head Highway and 5508 Arapahoe Drive in order to make available public electric vehicle charging stations.

NOW THEREFORE BE IT RESOLVED, that the Town Council approves and adopts the agreement entitled "License Agreement for Electric Vehicle Charging Station Facilities," attached hereto as Exhibit A and incorporated by referenced herein (the "License Agreement"); and

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BE IT FURTHER RESOLVED, the Town Council further delegates to the Mayor the requisite authority to execute said License Agreement on behalf of the Town provided that the number and location of the electric vehicle charging stations and the final installation plan, as referenced in the License Agreement, is submitted to the Council for its review and approval; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

Failed
PASSED this 15 day of May 2020.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

NAY

KENNEDY II

ABSENT

NOBLE

Yea

BARNES

Yea

HINES

NAY

WASHINGTON

NAY

ATKINSON

NAY

ATTEST:

THE TOWN OF FOREST HEIGHTS

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

SIGNATURE ON FILE

Habeed-Ullah Muhammad, Mayor

SIGNATURE ON FILE

Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 15 day of May 2020 with 2 Aye votes and 4 Nay vote the aforesaid Resolution 44-20 passed. *Failed*

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

Exhibit A (License Agreement)

Town of Forest Heights

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